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2 **UNITED STATES DISTRICT COURT**
3 **DISTRICT OF NEVADA**
4

5 PETER H. MCDIVITT,)

6 Plaintiff,)

7 vs.)

8 COMMISSIONER OF SOCIAL SECURITY,)

9 Defendants.)
10

2:09-cv-02155-RCJ-PAL

ORDER

11 Before this Court is the Report and Recommendation (#2) of Magistrate Judge Peggy A.
12 Leen, entered December 1, 2009.

13 The Court has conducted a review of the record in this case and, upon finding that no
14 objections have been filed, determines that the Report and Recommendations (#2) of the
15 United States Magistrate Judge entered December 1, 2009 should be affirmed.

16 IT IS THEREFORE ORDERED that Magistrate Judge Leen's Report and
17 Recommendation (#2) be **AFFIRMED and ADOPTED**.

18 IT IS FURTHER ORDERED that Plaintiff's Application to Proceed *In Forma*
19 *Pauperis* (#1) is **DENIED**.

20 IT IS FURTHER ORDERED that Plaintiff shall have 15 days from the entry of this
21 order to pay the filing fee of \$350.00. Failure to pay the filing fee within the time set will
22 result in a dismissal of this action.

23 DATED: January 6, 2010

24 
25 Robert C. Jones
United States District Judge